

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 25639 of 1997

Dated: 25.01.2007

Between:

- 1.Bathula Venkata Pathi,S/o Venkata Subbaiah,
60 years, agriculturist, R/o Ananthanarayana
Puram (v), Buchi Reddipalem (M),Nellore District.
- 2.Gampa Penchaiah, S/o Polayya (adopted son
of late Rosaiah), 53 years, agriculturist,
R/o Nagayagunta (v), Buchireddipalem (M)
Nellore District.
- 3.Manda Ramanaiah,S/o Ragaiah, 50 years,
R/o Nagayagunta (v), Buchireddipalem (M),
Nellore District.

..... PETITIONERS

AND

- 1.The District Collector, Nellore.
- 2.The Mandal Revenue Officer, Buchireddipalem,
Nellore District.
- 3.The Divisional Forest Officer (District Territorial)
Forest Department, Opposite:Nippo Factory,
Venuvihar, Nellore District.
- 4.Forest Ranger, Forest Department, Athamakur,
Nellore District. ...

RESPONDENTS

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THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.25639 of 1997

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the inaction of the respondents in assigning the lands under occupation of the petitioners in Sy.No.522 of Iskapalem village for over two decades, as illegal and arbitrary and consequently direct the respondents to consider the case of the petitioners and grant pattas in their favour in respect of the lands in question.

The case of the petitioners is that they are landless poor and they belong to Vaddera community. In the years 1973 and 1980 they were granted temporary lease of different pieces of land in Sy.No.522 of Iskapalem village for cultivation and since then they have been cultivating the lands, which were allotted to their share. The Mandal Revenue Officer, Buchireddipalem also inspected the said land on 24.08.1991 along with the Mandal District Surveyor and Village Assistant and submitted his report on 27.08.1991 that an extent of Ac.190.11 in Sy.No.522 had to be deserved and allotted to the beneficiaries including the petitioners. Despite the fact that the petitioners made

several representations to the respondents for assignment of the land in question under landless poor category and grant pattas of the land under their cultivation, no action had been taken on the representations so far, instead they are trying to take steps to evict the petitioners from the land in question without following due process of law.

The respondents though served did not choose to file any counter-affidavit.

Having heard the learned Counsel for the petitioners as well as the learned Government Pleader for Revenue, I deem it appropriate to direct the respondents not to dispossess the petitioners from their lands in question without following due process of law, provided they are in possession of the lands in question. The respondents are further directed to consider the case of the petitioners as to whether they are entitled for pattas in their favour in respect of the lands in question.

The writ petition is accordingly disposed of. No costs.

25-01-2007
Gsn.

(GOPALA KRISHNA TAMADA, J)